

IN THE DISTRICT COURT OF THE UNITED STATES
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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CLERK OF DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JOHN WILLIE MINNIFIELD, #112145
PETITIONER,

VS

CIVIL ACTION NO: 2:06-CV-0054-WKW

WARDEN: ARNOLD HOLT, ET, AL.
RESPONDENT,

RESPONSE TO ORDER

of Attorney General supplemental response dated the 14th day of April, 2006 it seems ironic what Mr. Prude see in the Petitioner brief the same brief this Court received it is appalling how the Attorney General see one thing and the Court see another in the brief filed by the Petitioner. Mr. Prude say in his brief before this Court states Minnifield essentially raised only one claim the evidence was insufficient to prove that I committed the offense of Stalking against my former wife that this claim is procedurally defaulted I know this Honorable Magistrate Walker can see the difference allegation raised in his Petition but Mr. Prude is still construing the facts and misleading this Honorable Court the issues raised.

- (1) Untimely Appeal filed Writ of Mandamus. denied
- (2) Untimely Appeal reconsideration. denied
- (3) After Appeal Courts. denials
- (4) Filed Rule 32 to allow State Court address the issues denied by presiding judge thus an Appeal followed which was denied it is clear the State of Alabama Judicial System do not intend to do the right thing in addressing the Civil and Constitutional Rights of John Willie Minnifield thus it is sad when the Attorney General see the errors the Trial Court made and still refuse to acknowledge.
- (5) Claimed raised a Batson violation.
- (6) State brought witness before the Court not in my present.
- (7) State intention to invoke H.O.F. Act not timely.
- (8) Incomplete transcript.
- (9) District Atoorney misleading the jury on the elements to constitute stalking.

(10) Defected indictment.

(11) An act of prejudice.

(12) Actual innocent and proper faretti hearing the Petitioner also cites Engle v. Issac and Wainwright v. Sykes this Attorney General just reached out to meet the deadline this Honorable Court ordered thus in Engle at no time did John Willie Minnifield raise jury instruction by the Court at no time did I seek sympathy from this District Court just justice the except from T.R. will prove everything I said before the Trial Court and Appeals Court can be seen in the original T.R. and this Court Order both Court Reporters to turn over the portion of the missing TR that was audio tape plus shorthand which will show the prejudice of the Court and prosecutor misconduct.

Attorney General answer to the magistrate Order claimed I filed to comply with State procedure by not filing for untimely Appeal when I showed this Honorable Court I had complied with the Court Order now the Attorney General response Minnifield claim is procedurally defaulted under O' Sullivan v. Boerckel, 526 U.S. 838 (1999) then he stated I failed to comply with Rule 39(c)-(d) of the Alabama Rules of Appellate Procedure this Honorable Court can see out of an act of prejudice this Attorney General is misleading this Court not only has the Petitioner given the States one round to review my claims but two full rounds I do not see any opinion in his argument when the indictment and T.R. can show on November 23rd 1998 that John Willie Minnifield committed any criminal act or misdemeanor act thus Minnifield is actual innocent to not entertain this Petition would be a miscarriage of justice.

All John Minnifield ask for is for justice to be served overruling this injustice and false imprisonment by Voncile Minnifield Cook and the District Attorney Office of Montgomery County, Alabama.

APPELLATE COUNSEL

Appellate Counsel failure to raise constitutional claims was ineffectual in not raising but one issue a lesser included offense was so deficient as to constitute any procedure default that prejudice the substantial rights of John

Minnifield thus the Petitioner do not wish to abuse the Writ or ask sympathy of this Court but allow the State Court to give me Due Process guaranteed by the 1st, 8th, and 14th Amendments to the United States Constitutional in the Attorney General opinion that Minnifield has not shown prejudice from this case and Petition it is a miscarriage of justice in the way the State of Alabama is holding me for something I did not do... Yes Petitioner has prior conviction but when innocent I have no charge but to fight through the judicial system when John Minnifield commit an act when caught I would enter a guilty plea thus not so in this case here.

PROCEDURAL GROUNDS

The Petitioner has shown this Court in a timely manner that he has been through the Alabama Court System at least two times by lessening the finality of State Criminal judgements thus however finality in State Criminality litigations cannot be permitted to defeat the manifest Federal policy that Federal Constitutional Rights of personal liberty shall not be denied without the fullest opportunity for Federal Judicial review 372 U.S. 424 83 S.Ct. 841 the jurisdiction of the Federal Courts on Habeas Corpus is not effected by procedural defaults incurred by the Applicant during the State proceeding 372 U.S. 438 83 S.Ct. 848 first in no way the Petitioner intention bypassed any procedural by deliberately Fay v. Noia which recognized that while comity demands that the State Courts should be Appealed to in the first instant where one Constitutional Rights are denied his remedy in the Federal Courts remains open on Direct Appeal counsel failed or filed to the Alabama Court of Criminal Appeals and Motion for rehearing he had my address but mailed it to the wrong address therefore by the time I got his mail the time had expired for Certiorari review to the Alabama Supreme Court which through no fault of mine by that time the prison system had put me in 15 weeks Dual Diagnostice at the Ventress Correctional Facility whereas we were not allowed to have any books other than class materials while

in class we was not allowed to go to the Law Library classes was all day except for to go and eat then back to class 30 minutes recreation AA Mondays from 5PM to 8PM bedtime and lights off 9PM to not comply with this or those rules disciplinary action would be initiative at first chance I filed.

STATE HABEAS CORPUS

Challenge this illegal sentence and conviction which stayed unrulred on around two years after due dillengence in writing the Clerk for the Status I filed a Rule 32 which was ruled and denied. The Circuit Court did not have jurisdiction to rule on the Rule 32 and let first Petition lay in State alive... Afterwards I filed to the Appeals Court of Alabama both Court denied without a written opinion at no time the Appeals Courts opinion say I was procedural bar this Court will see from the T.R. and pleading to not entertain this Petition on its constitutional violation would be was a miscarriage of justice whereas John Minnifield is actual innocent this Honorable Magistrate can see from the indictment and witness even the victim on the 23rd day of November, 1998 that there was no crime committed only the Petitioner First Amendment Rights was violated which is protected under the First Amendment i.e..

The Alabama Court System has violated Minnifield's Civil Rights knowingly in every concieable was possible the Petitioner has not failed to comply with any of his State Rights just like in this Court I have complied with all of this Court Order and direction for relief the Petitioner hopes and pray for justice in this Petition and his liberty.

John Minnifield has pursued every way possible to comply with all of the State laws and Court rules before resorting to this Court Honorable Walker I stake my life before this Court that I am being held unlawfully and I have witness to testify that my then wife filed false charges to have me put back in prison she even at sentencing asked the judge for a sentence of life without parole Judge Greenhaw know she had gotten Jodie Lewis to lie before the Court


when I was released on bail after 4 days in jail there was a hearing the judge by question Mr. Lewis a 16 year old I was released she was warned about making false charges thus I was released 3 months later and she had forgotten my name and claimed I left them on the car and had me locked back up.

My wife is a thief, prostitute, crack head, forgery, liar and great manipulator you don't know who she really is because across the country she get married then she filed for divorce and get the judge to give her maiden name back (Cook) she committed crimes in one name and go back to her original.

She had four kids by different fathers either kid truly know their real father unless D.N.A. Test is done she deserted those kids more than once the mother had to put them on welfare while she ran off with another man on a crime and drug spree therefore I ask this Honorable Court to give me and her a Lie Detector Test and or truth serum just let the truth come out John Minnifield do not wish to file suit on no one. I paid for my mistakes in the past now I am falsely accused I ask this Court to question Mrs. Freda Graves Cook 2000 Alexander Road Pike Road, Alabama 36064 Phone: 334-396-3648... Dana Cook, Lisa Cook, Eliza Cook the mother, Jason Cook, Asley Cook her family if these people is or question or supoenas before this Court or question without my being presence this Court will see I was lied on by my ex wife and drug smoking her friends. See: city cases and prior charges on her thus the Petitioner just wants justice served.

This case deserve an evidentiary hearing so this Honorable Court can see there was no crime committed on the 23rd day of November, 1998 only Vonciel Cook Minnifield fabricated a Criminal Act upon John Minnifield thus I pray for this Court to seek out the truth I pray.

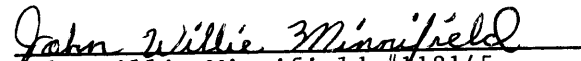
Respectfully Submitted,


John Willie Minnifield #112145
Bullock County Correctional Facility
Post Office Box 5107
Union Springs, Alabama 36089-5107

CERTIFICATE OF SERVICE

I hereby certify that I have served true copies of the foregoing by placing in the United States Mail this the 26th day of April, with proper postage prepaid addressed to the following: State of Alabama Office of the Attorney General, and the Assistant Attorney General Honorable J. Prude 3rd Floor 11 South Union Street Montgomery, Alabama 36130.

Respectfully Submitted,


John Willie Minnifield #112145

CC: State of Alabama
Office of Attorney General
Hon: J. Prude
3rd Floor 11 South Union Street
Montgomery, Alabama 36130

File: 4-26-06
Date

SWORN AFFIDAVIT

My name is John Willie Minnifield duly sworn, deposes and say I am the person in this Petition hereby did not commit such charged offense I swear before this Magistrate the Honorable Susan Russ Walker that all allegations raised in this Petition is true. I have not committed a felony since the year of 1979 it was my everyday policy to remind myself the value of freedom and a beautiful family I through I had, I had several jobs now I am falsely accused my life was based upon never do anything to go to o prison again.

Therefore this trumpeted up charge of a cheating wife that was not affraid of me just she wanted to go back to her past ways thus this Court system bought her manipulation in her vile ways has used the system as she did me to violate my Constitutional Rights to deny John Minnifield those rights would be a fundamental miscarriage of justice that will sit the wheels of prejudice is still alive with justice.

NOTARY PUBLIC

I swear under the penalty of perjury that the foregoing is true and correct.

Petitioner: John Minnifield Sworn and Subscribed before me this the 25th day of April, 2006.

L. Marie L. Anthony

Notary Public
NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Mar 18, 2007